## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 1B02.3.C.1. Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 9 ft. 6" side yard setback in lieu of the required 10 ft., as more particularly described on Petitioner's Exhibit No. 1.

The Petitioners having filed a Petition for a Residential Variance, the subject property, known as 741 Anneslie Road, zoned D.R.5.5, having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioner is requesting a variance to permit a 9 ft. 6" side yard setback in lieu of the required 10 ft. for an addition to the existing house, as indicated on Petitioner's Exhibit No. 1.

The Petitioner have filed the supporting affidavits, as required by Section 22-26 (b)(1) of the Baltimore County Code. There is evidence in the file or record to indicate that the variance would adversely affect the health, safety and/or general welfare of the public and should, therefore, the relief should not be granted.

In the opinion of the Zoning Commissioner, it is established that the

PETITION FOR RESIDENTIAL VARIANCE

the description and plat attached hereto and made a part hereof, petition for a Variance from Section

of the Zoning Regulations of Beltimore County, to the Zoning Law of Beltimore County, for the following reasons

BUILDINGS OF USE GROUP R-3 SHALL NOT BE LESS THAN 306" IN WHOTH.

APPITION DESIGNED TO CONTAIN 180° TURN STAIR WITH LANDING (0'-0" WIDE STAIR) AND G" FOR EXTERIOR WALL THUS WIDTHER ADDITION

AS REQUIRED BY BOCA CODE 1990, SECTION 8173 WIDTH, STAIRS FOR

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

Baltimore County adopted pursuant to the Zoning Law for Baltimore County

to permit a 9 ft., 6 inch side yard setback

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

EQUALS 6'-6"

in lieu of the minimum 10 ft.

91-274-A

I/We do solemnly declare and affirm, under the

penalties of perjury, that I/we are the legal

owner(s) of the property which is the subject of

information and affidavits provide sufficient evidence and facts that the proposed variance request would comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in a practical difficulty and/or unreasonable hardship upon the Petitioner. Based upon the information available, the relief should be granted.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore day of Molury 1991 that the Petition for a Zoning Variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 1B02.3.C.1. Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 9 ft. 6" side yard setback in lieu of the required 10 ft., in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

> 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The subject property shall be maintained as a single family dwelling house and may not be converted to apartments or to more than a single family dwelling unit. The house may not be converted to apartments or any form of multi-family dwelling unit.

3. Upon request and reasonable notice, the Petitioners shall permit a representative of the

**AFFIDAVIT** 

TOK PAILUDINGS OF USE OFFOUR RIPS SHALL KOT BE UESS THAN

Bor exterior wall thus width of addition equals 6'-6".

Matte D. Duerline AFFIANT (Handwritten Signature)

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made cath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of

That the information berein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with

That the Affiant(s) does/do presently or upon settlement will reside at 741 Anneslie Road Baltimore, Md. 21212 291ATE , 117912 8:118 11011 (Address) 3/17/ 300 A 300 17: 13/1027 A

That based upon personal knowledge, the following are the facts upon which I/we base the request for of for a Residential Zoning Variance at the above address: (indicate bardship er practical difficulty) As required by BOCA CODE 1990, Section 817.3 Width, Stains for buildings

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Matthew S. Duerksen

Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

> Zoning Commissioner for Baltimore County

cc: Peoples Counsel

timore County Government Zoning Commissioner Office of Planning and Zoning

887-3353

February 13, 1991

Mr. and Mrs. Matthew S. Duerksen 741 Anneslie Road Baltimore, Maryland 21212

> RE: Petition for Residential Zoning Variance Case No. 91-274-A

Dear Mr. and Mrs. Duerksen:

cc: Peoples Counsel

111 West Chesapeake Avenue

Towson, MD 21204

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Zoning Commissioner

DEPARTMENT OF BALTIMORE COUNTY

District Joseph Posted for:	<del>-/</del>	1/18/81
District 4000	tial Voyland	Date of Losens
Posted for:	- 1. 4	×
Petitioner: Matthow	S. Ulork 30x p. s.l.	1' 11/60 Lun Pd
Location of property: 5/3 A	RS	
Location of Signs: 601-519	Annesti- Rd,	approx. 25 Fr. Noodway
On freforty of	letition on	
Demarks:		
Posted by Signature	Date:	of return: 1/25/9/
- · · - 0 01 1		

	Baltimore County Zoning Commisioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204			ccount: R-001-6150 umber	
		State House Law got have been			
447	1.08271	· Astronomy		H6100S99	
<b>;</b> =	PUBLIC HEARING FEES		PR	ICE	
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0	ADVER	RTISING 1	X \$5	5.00	
<u>i.</u>	AST NAME OF OWNER: DUERKS		AL: \$6	0.00	
. •					
		Parable Tee Del	04404	#OO28MICHRE	\$60.00

Matthew S. Ducksen Susan Duerksen Swan Duerksh-741 Anneslie Road H 377- 9566 Baltimore, Md 21212 City/State/Zip Code Name, address and phone number of legal owner, contract purchaser or representative to be contacted. Matthew Duerksen 377-9566 H 332-1009 W ZONING COMMISSIONER OF BALTIMORE COUNTY A PUBLIC HEARING HAVING BEEN REQUESTED ANO/OR FOUND TO BE REQUIRED. est. post date - 1/23471.

of use group R-3 shall not be less Than 36" in width. Addition width designed to Contain 1800 torn stair with landing (6-0"wide stair) and 6" Susan Duerksen I HEREBY CERTIFY, this 22 day of Voundam 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Matthew 5. Dverksen AS WITNESS my hand and Notarial Seal. Linde M. Tanton 2 Vanuary 1991 My Commission Expires: 2 Feb 1995

ZONING DESCRIPTION Beginning at a point on south side of

at the distance of Three hundred twenty feet West of the centerline of the neavest improved intersecting street Banbury Road which is Forty feet wide. Being Lot # 25 (the easternmost 23 feet) and Lot # 26 (all of), BLOCK #\_\_\_\_,

Anneslie Road which is Fifty feet wide

Section # A in the subdivision of Idlewilde as recorded in Baltimore County Plat Book WPC # 7, Folio # 140 containing 4800 square feet. Also known as 741 Anneslie Road

and located in the # 9 Election District

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

January 16, 1991

Matthew and Susan Duerksen 741 Anneslie Road Baltimore, Maryland 21221

Re: CASE NUMBER: 91-274-A LOCATION: 91-274-A S/S Anneslie Road, 320' W of c/l Banbury Road

741 Anneslie Road

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before January 23, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is February 7, 1991. Should such request be filed, you will need to notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled advertising of the public hearing and receipt of said notice. In either case, (a) receipt of notification that you approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed will have a public hearing or, (b) the passing of the closing date, the sign and post will cause your Order to be from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD,
THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL
REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS
READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.
ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING
MAILED TO YOU.

Very truly yours,

G. G. Stephens (301) 887-3391 Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204 887-33

February 11, 1991

Mr. & Mrs. Matthew S. Duerksen 741 Anneslie Road Baltimore, MD 21212

> RE: Item No. 266, Case No. 91-274-A Petitioner: Matthew S. Duerksen, et ux Petition for Residential Variance

Dear Mr. & Mrs. Duerksen:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

AMES E. DYER Chairman
Zoning Plans Advisory Committee

Enclosures

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

H1 West Chesapeake Avenue
Towson, MD 21204

Your petition has been received and accepted for filing this 2nd day of January, 1990.

Robert Haines
ZONING COMMISSIONER

887-3353

Received By:

Chairman,
Zoning Plans Advisory Committee

Petitioner: Matthew S. Duerksen
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines DATE: January 25, 1991 Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Albert Jones, Item No. 245
Michael Homsey, III, Item No. 246
Roy A. Mansfield, Item No. 260
Barry Mogol, Item No. 262
Pat Guzman, Item No. 271
Matthew S. Duerksen, Item No. 266
Howard E. Myers, Item No. 270

In reference to the above-mentioned cases, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm
ITEMVARI.ED/ZAC1

received

CASE#: 91-274-A



Red house is subject property.

741 Anneslie Road



Rei house is subject property. 74: Ammeslie Road

PETITIONER'S EXHIBIT #2

Baltimore County Government
Fire Department

70) East Joppa Road, Suite 901 Towson, MD, 21204-5500

(301) 887-4500

JANUARY 16, 3993

J. Pohert Haines
Zoning Comissioner
Office of Flanking and Zoning
Ealtifiere Courty Office Building
Tovson, MD 21204

RE: Tickerty Careta PATTERN E. REPREEL

Location: #TAI ANDERLY BOAT

Item For: 266 Foning Agerda: JAFUARY 22, 1991

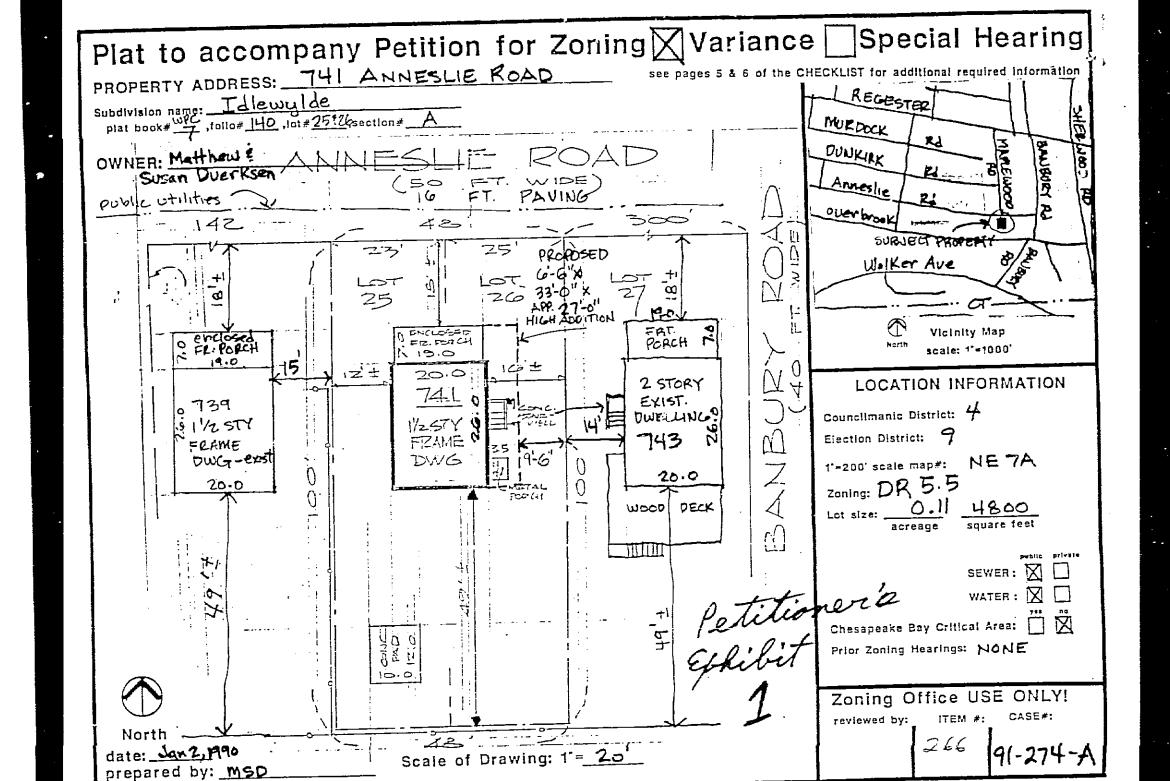
Gertlemen:

Pursuant to your request, the referenced property has been surveyed by this Eurest and the correct below are applicable and required to be corrected or incorporated into the final plans for the property.

E. The huildings and structures existing or proposed on the site shall comply with all applicable requirements of the Dational Fire Protection Association Etandard No. 100 "Life Cadety Code"; 1988 edition prior to occupancy.

PINIFVER: Calt back Kelly 1-33-90 Epperoved and Transfer Income Epocial Inspection Living

JE/KEK



ELA Sull

00 ~ O<sub>O</sub> 91-274-1 91-274-A NE 8A /SI SHEET LOCATION SCALE BALTIMORE COUNTY 1988 COMPREHENSIVE ZONING MAP Adopted by the Baltimore County Council CEDARCROFT OFFICE OF PLANNING AND ZONING DATE ANNESLIE PHOTOGRAPHY OFFICIAL ZONING MAP THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN. INC. BALTIMORE. MD. 21210 JANUARY 1986

